

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1244 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA and
MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

GITADEVI DAYANAND

Versus

STATE OF GUJARAT

Appearance:

MR PB MAJMUDAR for Petitioner
Mr.S.R. Divetia, APP for Respondent No. 1

CORAM : MR.JUSTICE N.J.PANDYA and
MR.JUSTICE S.D.PANDIT

Date of decision: 09/04/97

ORAL JUDGEMENT

The mother of the missing boy, Satishkumar, moved this petition, as Satishkumar was kidnapped by some unknown persons at about 12.30 noon on August 26, 1994. Along with other children, Satishkumar was playing in the nearby garden in Amraiwadi area, when the incident happened. His playmates did give details during

investigation that a Maruti Van had come on the spot, from which two bearded persons had got out and forcibly lifted Satishkumar gagging his mouth. That was the last when Satishkumar was seen.

A complaint came to be lodged on July 5, 1994, pursuant to which, the Amraiwadi Police Officer initiated investigation. Later on, the investigation came to be handed over to the Crime Branch of the Police Commissioner of the City of Ahmedabad. Unfortunately, the joint efforts of both the branches of investigation under the Commissioner of Police, City of Ahmedabad, did not bring about any result.

In the meantime, the petitioner approached this Court on August 16, 1995. At the instance of the court, details of investigation carried out were brought on record. On going through the same, one would find that, right upto January 4, 1995, efforts of the police had continued, but without any positive result.

Anxiety of the parents can well be understood. The lingering hope that they have in their hearts can also be appreciated. At the same time, in spite of sincere efforts made by the police, in the course of which suspects were arrested and interrogated, and a facile attempt of getting a ransom money was also foiled by the police, the net result has been 'zero' and, therefore, finally on January 4, 1995 the police submitted papers before the concerned court seeking "A" summary.

In this background, in our opinion, no useful purpose will be served by keeping the matter pending. We are satisfied about the efforts made by the police to search for and get hold of Satishkumar, minor boy, aged about 11 years. In spite of the best efforts, the police authorities have failed.

During the pendency of the matter, to take care of the situation on a long term basis, some efforts were made by the earlier Division Bench, and an idea of creating a "missing person cell" was also mooted. Unfortunately, on account of paucity of funds as well as personnel, the then Director General of Police, Mr. P.K. Dutta, by his letter dated January 25, 1996, regretted his inability to implement the suggestion.

The aforesaid details do indicate that all possible efforts were made and, for the present, it is not even possible to give directions for creating special police force or making a permanent arrangement of the

nature indicated above, to deal with the matters of missing persons, especially the children of tender age.

Accepting this position, the petitioner, however, has requested one thing that, looking to the newspaper reports that several children are being brought back from middle-east countries, where they were illegally taken for begging, if, by chance, the police authorities or the CBI of Ahmedabad do get an opportunity of coming across the said missing boy, Satishkumar, then they should inform her. This is, indeed, very reasonable and legitimate request. It is obvious that the police authorities have no objection in complying with the same. Save and except to issue direction with regard to this request, in our opinion, nothing further is required to be done in the present petition. Accordingly, the police authorities are directed to get in touch with the petitioner immediately on the police authorities either coming across the minor, Satishkumar, or coming to know about his whereabouts. So far as the petition is concerned, this is disposed off as not surviving. Rule is discharged.

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(swamy)